

DOCKET FILE COPY ORIGINAL

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TOWNSHIP OF HAMPTON

1 Municipal Complex Road
Newton, N.J. 07860

RECEIVED

Eileen Klose RMC
Township Clerk/Administrator

JAN - 5 1998

phone 973-383-5570

fax 973-383-8969

FCC MAIL ROOM

December 23, 1997

Mr. William Kennard
Chairman Designate
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Ex Parte Letter Re: Cases WT 97-197, MM Docket 97-182, and DA 96-2140

Dear Chairman Kennard:

Please terminate all action in the preceding cases. They attempt to make the FCC the "Federal Zoning Commission" for cellular and broadcast towers and violate the intent of Congress, the Constitution and principles of Federalism.

Congress and the courts have long recognized that zoning is a matter of peculiarly concern. The FCC has no zoning knowledge or expertise and is not accessible to most citizens.

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This is particularly true if a municipality expressly says it is not considering such statements (that go beyond the radiation authority Congress left with municipalities) and the decision is completely valid on other grounds, such as the impact of the tower on property values or aesthetics

For similar reasons the FCC cannot “second guess” the reasons for a municipality’s decision. The FCC, like the courts, is bound by the stated reasons given by a municipality. Either these reasons are sufficient to uphold the decision or they are not. The FCC cannot “second guess” a municipality’s true reasons any more than the courts can “second Guess” the true reasons for the FCC’s decisions.

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The FCC should consider how it would react if it was told that any broadcast license application would be automatically deemed granted unless the FCC acted on it within 21 to 45 days; that this rule applied whether or not the application was complete; whether or not the applicant was foreign or domestically owned or otherwise qualified; or even whether the frequencies were available. And the rule would apply without regard to whether the tower for the station was at the end of an airport runway, in a wetland or in a historic district.

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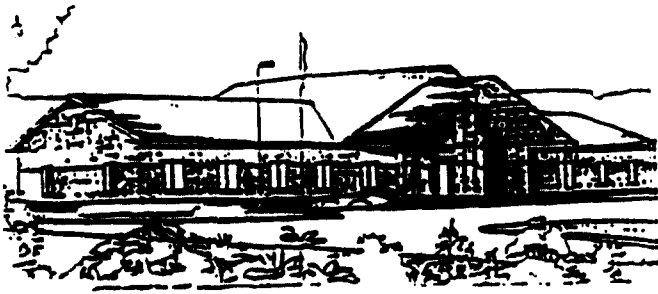
Very truly yours,

A handwritten signature in cursive script, appearing to read "Eileen Klose".

**Eileen Klose, RMC
Township Clerk/Adm.**

cc: Mr. William F. Caton
Acting Secretary
Federal Communications Commission

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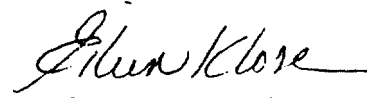
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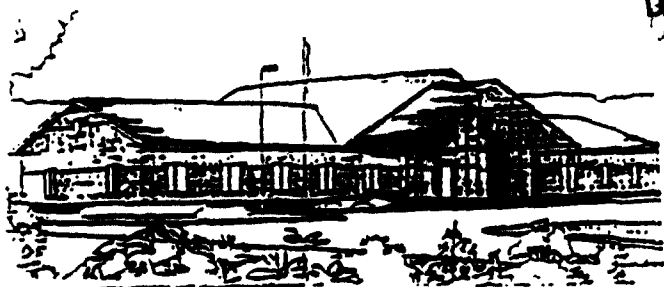
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cc: Commissioner Designate Gloria Tristani



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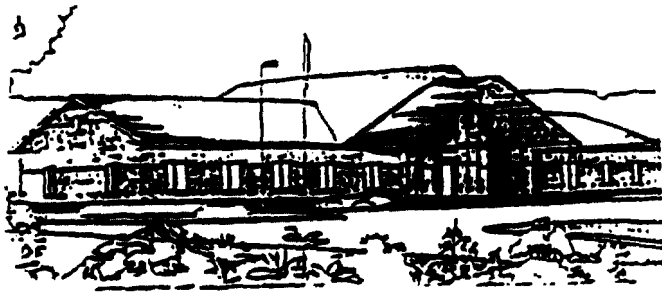
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**Eileen Klose, RMC
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cc:Commissioner Susan Nēss



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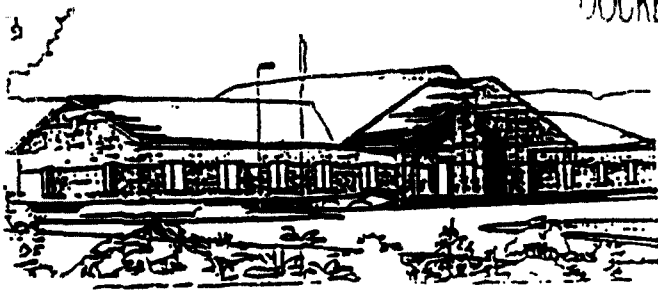
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**Eileen Klose, RMC
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cc: Commissioner Designate Harold Furchtgott-Roth



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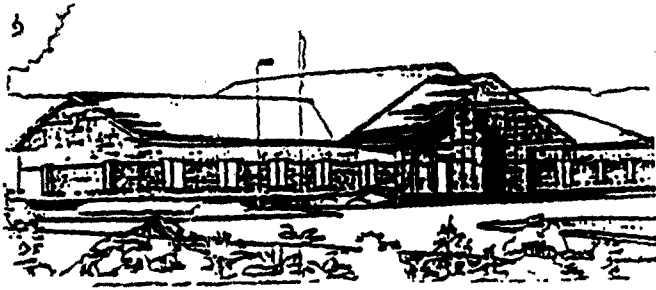
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cc: Commissioner Designate Michael Powell



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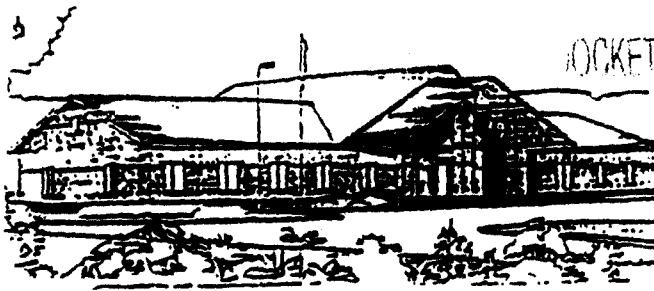
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cc: Ms. Susanna Swerling
Policy & Rules Division
Mass Media Bureau



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